

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JILLIAN E. MARCOTTE,

Plaintiff,

Case No. 10-10232

v.

Hon. John Corbett O'Meara

ALIMAR SECURITY, INC., and
ACRISURE BUSINESS OUTSOURCING
SERVICES, LLC, as joint employers,

Defendants.

ORDER OF PARTIAL DISMISSAL

On January 19, 2010, Plaintiff filed a complaint alleging violations of Title VII, the Pregnancy Discrimination Act ("PDA"), Fair Labor Standards Act ("FLSA") and Michigan's Elliott-Larsen Civil Rights Act ("ELCRA"). Although alleged violations of Title VII, the PDA, and FLSA are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over Plaintiff's ELCRA claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's ELCRA claims are
DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: February 10, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 10, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager